

REMARKS

Claims 7-13 are currently pending. Claims 7 and 11-12 are amended. Claim 13 is cancelled. No new matter is presented. In view of the above amendments and the following remarks, Applicants request the favorable consideration and allowance of claims 7-13.

Examiner Interview

On February 9, 2009, a telephone Examiner Interview was held. Applicants' attorney proposed adding a limitation to the pending independent claim—namely, that the stored comparison image be chosen from a database of images, the database of images comprising images of other eyes and images of the same eye. The Examiner agreed that the cited reference, Sinclair, did not disclose such a limitation.

Rejection pursuant to 35 U.S.C. § 102

The Examiner rejects claims 7-13 under 35 U.S.C. 102(a) as being anticipated by Sinclair et al. (U.S. PGPUP 2002/0052551). Applicants respectfully traverse the rejection.

As previously discussed, Sinclair teaches a centralized database (“CDB”) of “all patient images, reports, demographic data, and other identifying information.” (Sinclair ¶24.) The database permits one to view “the progress or regression of a patient’s retinopathy ... at the individual lesion level.” (*Id.*) The database can also provide “information on retinopathies in the general population.” (*Id.* ¶25.) Thus, Sinclair teaches a database in which a user can search the history of a specific patient’s retinopathy, or search for images with the same or a similar diagnosis.

Amended claims 7 requires the following:

determining deviations [or carrying out a similarity analysis] from the contextual information (a) of a stored comparison image and/or (b) of a standard image created by evaluating a plurality of comparison images of a similar pathology ...

wherein the stored comparison image is chosen from a database of images, *the database of images comprising images of other eyes* and images of the same eye;

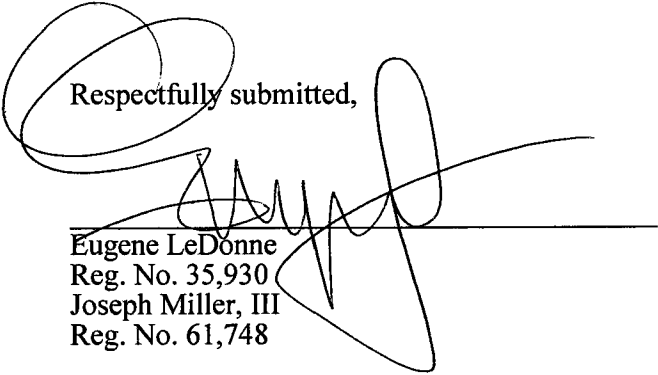
Regarding (a), the Examiner conceded during the Examiner Interview that Sinclair does not disclose comparing an image of an eye to an image of a different eye. Regarding (b), Sinclair similarly does not disclose generating a new “standard image” from a plurality of comparison images of a similar pathology. Sinclair’s paragraph [0072] discusses comparison images, but assumes that the images selected for comparison are images of the *same eye*. Thus, Sinclair does not disclose the above limitations of amended claims 7. Independent claim 11 has been amended herein to include similar limitations.

Further, Applicants continue to maintain that Sinclair does not disclose *analyzing* the “settings of the fundus camera” or “manual annotations associated with the recorded fundus images,” which are included in the “contextual information” that must be analyzed. Rather, Sinclair teaches merely the *storage* of similar information. (Sinclair ¶119.)

For the above reasons, Applicants respectfully submit that Sinclair does not disclose all the claimed features of independent claims 7 and 11, or of dependent claims 8-10 and 12-13. Thus, Applicant respectfully requests the withdrawal of the rejection.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



Eugene LeDonne
Reg. No. 35,930
Joseph Miller, III
Reg. No. 61,748

REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022
(P) 212-521-5400

Attorney for Applicant